

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JOE TONGISH as the special administrator of the Estate of Wilma Tongish, deceased, and DENIS W. TONGISH,

Plaintiffs,

VS.

**EDWARD SCOTT CARROL, D.O.,
and KEARNEY HEART &
LUNG SURGEONS, P.C.,**

Defendants.

8:06CV365

ORDER

This matter is before the court on the parties' Stipulated Motion for Dismissal Without Prejudice of Kearney Heart & Lung Surgeons, P.C. (Filing No. 54). The court finds that the parties' joint stipulation should be granted.

IT IS ORDERED:

1. The parties' joint stipulation (Filing No. 54) is granted and this case is dismissed without prejudice as against the defendant Kearney Heart & Lung Surgeons, P.C.
2. Kearney Heart & Lung Surgeons, P.C. and the plaintiffs shall bear their own costs associated with this case.

DATED this 20th day of June, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge